

| UNITED STATES ENVIRONMENTAL PROTECTION AGENCY<br>HUMAN RESOURCES SHARED SERVICE CENTER   |  |  |  |                           |  |
|--|--|--|--|---------------------------|--|
| Position Description Coversheet (Please read instructions on back)   |  |  |  | 1. Position No<br>B19060X | 2. Incumbency Allocation Only?<br>Limited to Current Incumbent |
| 3. Reason for Submission<br>Other  | 4. Employing Office Location<br>Washington, DC                                     | 5. Duty Station<br>Washington, DC                        | 6. BUS Code<br>8888  |                           |  |
| Explanation (Show any positions replaced)<br>Recruit   | 7. Fair Labor Standards Act<br>Exempt - Executive                                  | 8. Financial Statements Required<br>OGE-450 Required     | 9. Cybersecurity Code<br>a. 000  |                           |  |
|  | 10. Position Status<br>Exempted  | 11. Supervisory Status Code<br>2 - Supervisor or Manager | b.   |                           |  |
|  | 12. Competitive Level Code   | 13. Competitive Area                                     | c.   |                           |  |
|  | 15. Extramural %   | 16. Functional Class Code                                | 14. Drug Testing   |                           |  |
|  | 18. Position Sensitivity   | 19. Security Clearance<br>0 - Not Required               | 17. Medical Monitoring   |                           |  |
|  | 21. Emergency Essential<br>No  | 22. Developmental Position<br>No                         | 20. Position Risk  |                           |  |
|  |  |  | 23. Full Performance Level<br>GS-15  |                           |  |
| 24. Position Classification  | Official Title of Position   |  | Pay Plan   | Occupational Code         | Grade  |
| a. Official Allocation   | Supervisory Attorney-Adviser   |  | GS   | 905                       | 15   |
| 25. Organizational Title of Position (if different from official title)<br>Deputy Director, Legal Counsel Division   |  |  | 26. Name of Employee (if vacant, state such)<br>Claude Walker  |                           |  |
| 27. Department, Agency, or Establishment Hierarchy   |  |  |  |                           |  |
| a. 1st Tier Org Code   | 1st Tier Org Description<br>Office of Enforcement and Compliance Assurance         |  |  |                           |  |
| b. 2nd Tier Org Code   | 2nd Tier Org Description<br>Office of Criminal Enforcement, Forensics and Training |  |  |                           |  |
| c. 3rd Tier Org Code<br>BDA00000   | 3rd Tier Org Description<br>Legal Counsel Division (LCD)                           |  |  |                           |  |
| d. 4th Tier Org Code   | 4th Tier Org Description   |  |  |                           |  |
| e. 5th Tier Org Code   | 5th Tier Org Description   |  |  |                           |  |
| 28. Supervisory Certification: I certify that this is an accurate statement of the major duties and responsibilities of this position and its organizational relationships. The position is necessary to carry out governmental functions for which I am responsible. This certification is made with knowledge that this information is to be used for statutory purposes relating to appointment and payment of public funds and that false or misleading statements may constitute violations of such statutes or their implementing regulations. |  |  |  |                           |  |
| a. Typed Name and Title of Immediate Supervisor<br>Michael Fisher, Director LCD  |  |  | b. Typed Name and Title of Higher-Level Supervisor or Manager<br>Pamela Mazakas, Deputy Director, OCEFT  |                           |  |
| Signature<br>Michael R. Fisher   |  | Date<br>5/17/19  | Signature<br>Pamela J. Mazakas   |                           | Date<br>5/20/19  |
| 29. Classification/Job Grading Certification: I certify that this position has been classified/graded as required by Title 5, U.S. Code, in conformance with standards published by the U.S. Office of Personnel Management or, if no published standards apply directly, consistently with the most applicable published standard.  |  |  | Information for Employees: The classification of the position may be reviewed and corrected by the agency or the U.S. Office of Personnel Management. Information on classification/job grading appeals, and complaints on exemption from FLSA, is available from the personnel office or U.S. Office of Personnel Management. |                           |  |
| a. Typed Name and Title of Official Classifying the Position<br>LAWRENCE E. STAFFIELD, PDAA, OECA  |  |  | 30. Position Classification Standards Used in Classifying/Grading Position   |                           |  |
| Signature<br>L. E. Staffield   |  | Date<br>5/30/19  |  |                           |  |
| Remarks<br>This position is Incumbency Only. The position must be reevaluated when it becomes vacant. The position may not be used for competitive or non-competitive personnel actions without further position management and classification review.   |  |  |  |                           |  |

Office of Enforcement & Compliance Assurance  
Deputy Director, Legal Counsel Division  
Office of Criminal Enforcement, Forensics, and Training  
Supervisory Attorney Advisor, GM-0905-15

## INTRODUCTION

This position is located in the Office of Enforcement and Compliance Assurance, Office of Criminal Enforcement, Forensics, and Training (OCEFT), Legal Counsel Division (LCD). The incumbent serves as a Deputy Director and assists in directing the activity of LCD.

OCEFT is responsible for overseeing the development of highly sensitive enforcement cases concerning the most significant forms of environmental misconduct, and reports directly to the Assistant Administrator for the Office of Enforcement and Compliance Assurance. OCEFT provides expertise and guidance to the Assistant Administrator on all matters pertaining to the criminal enforcement of environmental statutes and regulations, and through NEIC, provides technical expertise and support for unique and/or complex criminal and civil investigations having national impact on EPA and state regulatory programs for air, water, toxics, pesticides, and other pollution control. The primary goals of EPA's criminal enforcement program are to: 1) deter environmental violations by creating expectations of prosecution in the regulated community, 2) provide severe punishment for egregious violators and promote compliance with environmental laws, and 3) assure the integrity of EPA's regulatory programs. NEIC's goals include using its unique resources to provide high-quality technical assistance in unique or complex civil or criminal enforcement actions.

The LCD Deputy Director assists the LCD Director to manage and oversee the activities of LCD on a day-to-day basis. In this capacity, the incumbent assists the LCD Director in providing legal counsel to the Deputy Director and Director of OCEFT; providing legal support to Special Agents, NEIC, and the Department of Justice in the investigation and prosecution of environmental crimes and criminal enforcement issues; commenting on and drafting proposed legislation, regulations, and policies; and administering budget and resource management issues affecting OCEFT.

## MAJOR DUTIES AND RESPONSIBILITIES

1. The incumbent serves as the first-line LCD supervisor, and assists the Division Director in managing the OCEFT staff that provides legal support for all aspects of EPA's criminal enforcement program, as well as other work performed by NEIC. Functions may include review and recommendations on EPA criminal investigations and requests for prosecutorial assistance, which require close coordination with the investigative staff. The incumbent approves multiyear and longer work plans and subsequently manages the overall work to enhance achievement of the goals and objectives; manages the development of policy changes in response to changes in levels of appropriations or other legislated changes; and exercises discretionary authority, in consultation and with the approval of the Division Director, to approve the allocation and distribution of funds in the Division's budget.

2. In Contracts Management (if applicable), the incumbent assists the Division Director to oversee and provide technical direction to staff who have contract responsibility, ensuring Agency contract management policies and federal regulations are followed; to ensure that inherently governmental functions are not performed by contractors; to review and update control measures for contractors, identifying any actual, potential, or apparent conflicts of interest, take the appropriate action to avoid, nullify or mitigate situations where a conflict of interest might occur, identify questionable contracting activities and immediately bring those to the attention of the appropriate official.

3. The incumbent assists the LCD Director, as requested, to advise the Deputy Director and the Director of OCEFT on all matters arising from the investigation and prosecution of EPA's criminal cases, and NEIC's support of both civil and criminal cases. The incumbent assists the Division Director to ensure effective communication and integration of work efforts with outside organizations, oversees development and implementation of program plans; communicates program goals, policies and priorities to staff; ensures proper coordination among subordinate units and other organizational units; ensures meeting of regulatory and output goals and objectives; makes technical/programmatic decisions regarding the work; and participates in strategic planning and Agency workgroup efforts.

4. OCEFT works closely with the Department of Justice to ensure maximum support of EPA's civil and criminal cases following referral. The incumbent assists the LCD Director in dealing with executive level Justice Department officials, including the Assistant Attorney General, Environment & Natural Resources Division, and the United States Attorneys in the various Federal districts.

5. In cases of clear national significance, LCD will assist the Department of Justice in litigation following referral. These cases will involve major corporate enterprises and will frequently raise precedent-setting legal issues. LCD may work on all aspects of litigation, including grand jury presentations, post-indictment motions, jury and non-jury trials, and appellate work.

6. LCD assists with the development of policy and guidance on all legal and investigative criminal enforcement matters and matters involving NEIC. Policy will be disseminated on a national basis, and will provide the framework for Agency decision making in all EPA investigations. The incumbent assists the LCD Director to assure the accuracy and soundness of these policies which are essential to a responsible, professional criminal and civil enforcement program.

7. The incumbent assists the Director of LCD, to advise the OCEFT and CID Directors on the development of criminal enforcement priorities, working in conjunction with the various EPA program offices. LCD will coordinate on regular basis with Regional and Program offices. OCEFT will also coordinate, through LCD, with the Office of General Counsel to resolve issues of first impression under statutes within EPA's jurisdiction.

8. Incumbent assists the Director with the overall management of OCEFT's Freedom of Information Act (FOIA) responsibilities, including: supervision of FOIA Coordinator and other

personnel assigned to FOIA responses; ensuring appropriate coordination with CID and NEIC management, regional civil enforcement counterparts, and OGC management; and ensuring FOIA denials are legally sound and appropriately prepared for Division Director signature.

8. The Division will frequently represent OCEFT at conferences, meetings, seminars, etc., and may serve as EPA's representative with other federal agencies, State and local governments, and Congressional committees. The incumbent may represent OCEFT on such occasions and may also represent OCEFT at seminars conducted by educational institutions.

9. The incumbent assists the LCD Director, to advise the OCEFT and CID Directors on issues involving overall program planning and coordination, policy and legislative analysis, and guidance for criminal enforcement activities for the LCD, the CID field offices, and activities affecting NEIC.

10. The incumbent assists the LCD Director, in directing the development and implementation of policies, procedures, and guidelines used in carrying out the goals of OCEFT, including delegations of authority and sensitive personnel and security matters.

11. In Human Resources, the incumbent, within delegated authority, assists the Division Director to develop plans, develop and establish internal operating policies and procedures, make assignments and determine responsibilities and priorities for LCD staff, evaluate employee performance, recommend appropriate incentives; promote teamwork, cooperation and commitment to quality; ensure quality of employment/selection decisions, recognize and reward high quality achievement; ensures staff training and development needs are met and ensure Agency health and safety standards are met.

12. The incumbent exercises continuing responsibility to effectively support the Equal Employment Opportunity Policy; is responsible for communicating this support to subordinates and taking positive actions which will motivate and furnish opportunities to all personnel who participate in training, reassignments, details and other actions which prepare for advancement.

13. The incumbent may use any of the following to direct, coordinate, or oversee work: team leaders, committee chairs or comparable personnel. The incumbent exercises significant responsibilities in dealing with officials of other units and in advising management officials of higher rank.

#### SUPERVISORY CONTROLS

The incumbent works under the general supervision of the Legal Counsel Division Director, Office of Criminal Enforcement, Forensics, and Training, Office of Enforcement and Compliance Assurance, and has wide latitude in exercising judgment and initiative to carry out assignments. Recommendations are accepted as authoritative and accurate. Completed work is reviewed for conformance and overall effectiveness and is often tantamount to a final decision. The incumbent independently assists the Deputy Director and Director of OCEFT, and Division Directors, in planning approaches to problems/issues and the preparation of reports, memoranda and other documents relating to an issue or assignment.

## QUALIFICATIONS

An LLB or JD degree from an accredited law school; must be admitted to practice before the highest court of a State, U.S. territory, the District of Columbia, or the Commonwealth of Puerto Rico; and must maintain active status as a member of the bar of one of these jurisdictions. The incumbent must have substantial and significant experience in law, budget formulation, and administration for the position of Deputy Director for the Legal Counsel Division. Knowledge of EPA environmental compliance and enforcement programs is essential. The Deputy Director for the Legal Counsel Division must be capable of exercising leadership, maturity, ingenuity and discretion. Significant administration experience is required, as is a basic knowledge of employment and budget issues.

## FACTORS

### Factor 1: Program Scope and Effect

The position directs and coordinates a staff of highly qualified professional individuals responsible for effective development and preparation of official OCEFT budget planning policies, processes, and instructions consolidations, and submissions for OCEFT to the Assistant Administrator, the Agency, Office of Management and Budget, and the Congress, and coordinates the development of all resource planning documents for OCEFT. Provides expert leadership; advice and guidance to policymakers in resolving complex nation-wide, government-wide problems that directly involve national interest or the agency's national mission subject to continue or intense congressional and media scrutiny or controversy, or have pervasive impact on the general public.

### Factor 2: Organizational Setting

The position is accountable to the Director, LCD, a GS-15 position and to the Deputy Director, OCEFT, an SES position.

### Factor 3: Supervisory and Managerial Authority

Receives general administrative direction and broad policy guidance from and reports to the Director, LCD. Within this broad framework, Federal law, and Agency policy, work is performed with a maximum of independence subject to review only for attainment of overall objectives and compliance with broad policies.

Incumbent has authority to:

1. Plan work to be accomplished by subordinates, set and adjust short term priorities, and prepare schedules for completion of work;
2. Assign work to subordinates based on priorities, selective consideration of the difficulty and requirements of assignments, and the capabilities of employees;

3. Evaluate work performance of subordinates;
4. Give advice, counsel, or instruction to employees on both work and administrative matters;
5. Interview candidates for positions in the unit; recommend appointment, promotion or reassignment to such positions;
6. Hear and resolve complaints from employees, refers group grievances and more serious unresolved complaints to the Director.
7. Effect minor disciplinary measures, such as warnings and reprimands, recommending other action in more serious cases;
8. Identify developmental and training needs of employees, providing or arranging for needed development and training;
9. Find ways to improve production to increase the quality of the work directed;
10. Develop performance standards.

In addition, incumbent has the authority to:

1. direct, coordinate, or oversee work through supervisors, leaders, team chiefs, group coordinators, committee chairs, or comparable personnel, or similar oversight or contractors;
2. determine whether contractor work meets standards for payment;
3. plan work, priorities and schedules and assign work based on priorities, difficulty and capabilities;
4. make decisions presented by subordinate supervisors, team leaders, or similar personnel/contractors;
5. exercise significant responsibilities in dealing with other high-level officials or in advising management;
6. develop performance standards, evaluate work performance, and recommend award/bonuses, position changes, and classification changes subject to approval by higher level officials;
7. approve within-grade increases, extensive overtime, and travel;
8. advise, counsel, or instruct on work and administrative matters;
9. interview for positions, recommend appointment, promotion or reassignment and approve selections for subordinate non-supervisory positions;
10. hear and resolve group grievances or serious employee complaints, and effect minor disciplinary measures;
11. identify and arrange for developmental and training needs;
12. improve production or quality of work and find ways to eliminate or reduce work barriers, promote team building, and improve business practices.

#### Factor 4: Personal Contacts

##### Name of Contacts

Contacts are generally with following levels; influential outside individuals/groups, or regional/national representatives, key congressional staff, state/local government representatives, major metropolitan, regional, national media journalists, or executive level heads of agency and

high-level heads of agency and high-level organizations in other Federal agencies. Contacts may take place in meetings, conferences, briefings, speeches, presentations, or oversight hearing and may require extemporaneous response to unexpected or hostile questioning. Preparation typically includes briefing packages or similar presentation materials, requiring extensive analytical input by the employee and subordinates, and/or involving the assistance of a support staff.

#### Purpose of Contacts

Contacts are to influence, motivate, or persuade persons or groups to accept opinions or take actions, or may involve the commitment or distribution of major resources, when there may be intense opposition or resistance. Requires the use of highly developed communication, negotiation, conflict resolution, and leadership skills.

#### Factor 5: Difficulty of Typical Work Directed

At least twenty-five percent of the non-supervisory duty work hours of subordinate's workload are equal to or higher than the GS-13 level.

#### Factor 6: Other Conditions:

The level of difficulty/complexity of the supervisory duties and authorities is based on supervising GS-13 or higher level work that involves coordination of very important/complex programs or segments and major decisions having substantial effect on the organizations and program managed or manages subordinate supervisors over GS-12 or higher work



# POSITION RISK & SENSITIVITY DESIGNATION CHECKLIST

|   |                                       |
|---|---------------------------------------|
| Position's Organization: OECA/OCEFT/LCD                               |                                       |
| Position Title: Supervisory Attorney Advisor                          |                                       |
| Pay Plan/Series/Grade (Full Performance Level): GS-0905-15 FPL: GS-15 |                                       |
| Service Agreement Number (SAN): BV77C0004                             |                                       |
| Supervisor Name: Michael Fisher                                       | Supervisor Phone Number: 202-564-1063 |
| Supervisor Signature: <i>Michael R. Fisher</i>                        |                                       |

## STANDARDIZED POSITIONS

|                |
|----------------|
| Position Title |
|----------------|

## NON-STANDARDIZED POSITIONS

For All Non-Standardized positions, provide the following information:

|  |                                      |                                     |
|--|--------------------------------------|-------------------------------------|
| 1. Does the position require access or eligibility for access to classified information?   | <input type="radio"/> Yes            | <input checked="" type="radio"/> No |
| --If Yes, Select--   |                                      |                                     |
| 2. Does the position involve National Security duties?   | <input type="radio"/> Yes            | <input checked="" type="radio"/> No |
| --If Yes, Select--   |                                      |                                     |
| 3. Does the position involve fiduciary responsibilities/obligation or approval of funds?   | <input checked="" type="radio"/> Yes | <input type="radio"/> No            |
| --If Yes, Select--   |                                      |                                     |
| 4. Does the position involve public contact/interaction/liaison duties?  | <input checked="" type="radio"/> Yes | <input type="radio"/> No            |
| <input checked="" type="checkbox"/> Federal Agency <input checked="" type="checkbox"/> Interest Groups <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Local Agency <input type="checkbox"/> Tribal Government<br><input checked="" type="checkbox"/> Academia <input checked="" type="checkbox"/> Private Industry <input checked="" type="checkbox"/> State <input checked="" type="checkbox"/> Media <input checked="" type="checkbox"/> General Public |                                      |                                     |
| 5. Does the position involve access to or control over personal, private, sensitive but unclassified, controlled classified, or proprietary information?   | <input checked="" type="radio"/> Yes | <input type="radio"/> No            |
| If Yes, Explain:   |                                      |                                     |
| 6. Does the position require access to or control over hazardous or dangerous material (toxic, nuclear, biological, chemical, radiological)?   | <input type="radio"/> Yes            | <input checked="" type="radio"/> No |
| If Yes, Explain:   |                                      |                                     |
| 7. Does the incumbent make independent decisions or authoritative recommendations not subject to substantive verification or supervisory approval/sign off?  | <input checked="" type="radio"/> Yes | <input type="radio"/> No            |
| If Yes, Explain: <i>Decision to release unredacted records pursuant to FOIA.</i>   |                                      |                                     |

\*Supervisors, GS-14 and above positions, and scientific/engineering positions are at least non-sensitive, moderate risk. Division Directors and Deputy Directors are at least non-sensitive, high risk. Criminal Investigator positions are always critical-sensitive, high risk.